



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JAN 08 2013

OFFICE OF
ENFORCEMENT AND
COMPLIANCE ASSURANCE

Deane Osterman
Executive Director
Kalispel Natural Resources Department
Kalispel Tribe of Indians
P.O. Box 39
Usk, Washington 99180

Dear Executive Director Osterman:

Thank you for your letter dated December 6, 2012, in which you express the Kalispel Tribe of Indians' concerns regarding the State of Washington's proposed total maximum daily load (TMDL) for temperature in the Pend Oreille River.

In your letter, you raise specific concerns about the "analytical methodology" being used by the state to support its proposed TMDL. You also express concerns about the potential impacts the TMDL may have on the Tribe's efforts "to restore native fish populations in the River," in order to sustain and enhance the subsistence lifestyle of tribal members. We have heard from several tribes over the years that the consumption of native species of fish is essential to the tribes' ability to sustain tribal traditions and culture, as well as the health of their people. Therefore, we recognize the significance of the concerns you are raising.

Since receiving your letter, we have met with the Office of Water's (OW) Office of Wetlands, Oceans and Watersheds Assessment and Watershed Protection Division (AWPD) to discuss your concerns. At this time, AWPD is carefully reviewing the concerns you raised and has noted the importance of the concerns to your Tribe. The Office of Environmental Justice (OEJ) is confident that AWPD is working diligently with Region 10 to ensure your concerns are considered fully before EPA makes any decisions or takes any action.

Again, thank you for your letter. I appreciate you bringing your environmental justice concerns to my attention. If you have any questions, please contact me, or members of your staff may contact Danny Gogal, Tribal Program Manager for OEJ. Mr. Gogal can be reached at (202) 564-2576 or by email at Gogal.Danny@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Heather Case", is written over a horizontal line.

Heather Case
Acting Director
Office of Environmental Justice

cc: Zachary Welcker, Senior Policy Analyst, Kalispel Tribe of Indians
JoAnn Chase, Director, American Indian Environmental Office, EPA
Daniel Opalski, Director, Office of Water and Watersheds, Region 10, EPA
John Goodin, Chief, Watershed Branch, Assessment and Watershed Protection Division,
Office of Wetlands, Oceans, and Watersheds, EPA